

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Jeannine M. Mason)	File No.: EB-FIELDWR-12-00004903
)	NAL/Acct. No.: 201332800007
Licensee of Station KTZZ(FM))	FRN: 0022857825
Conrad, Montana)	Facility ID No.: 81886

ORDER

Adopted: August 21, 2014

Released: August 22, 2014

By the Regional Director, Western Region, Enforcement Bureau:

I. INTRODUCTION

1. We find that Jeannine M. Mason operated a studio-transmitter link (STL) station without a FCC license. In light of Ms. Mason's documented inability to pay and history of compliance, however, we do not impose a forfeiture. Nevertheless, we admonish Ms. Mason for her violations and warn her that future violations may result in substantial forfeitures, regardless of her financial situation.

2. Specifically, we find that Ms. Mason, licensee of Station KTZZ(FM), in Conrad, Montana, willfully and repeatedly violated Section 301 of the Communications Act of 1934, as amended (Act),¹ by operating a STL station without a FCC authorization.

II. BACKGROUND

3. On July 24, 2013, the Enforcement Bureau's Denver Office (Denver Office) issued a Notice of Apparent Liability for Forfeiture (*NAL*) proposing a \$10,000 forfeiture against Ms. Mason for operating a STL station associated with Station KTZZ(FM) without a FCC authorization.² In her *NAL Response*, Ms. Mason does not deny the violations, but states that she is unable to pay the proposed forfeiture and provides financial documentation to support her claim.³

III. DISCUSSION

4. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act,⁴ Section 1.80 of the Commission's rules,⁵ and the *Forfeiture Policy Statement*.⁶ In

¹ 47 U.S.C. § 301.

² *Jeannine M. Mason*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 10748 (Enf. Bur. 2013) (*NAL*). A comprehensive recitation of the facts and history of this case can be found in the *NAL* and is incorporated herein by reference.

³ See Response from Jeannine M. Mason to Denver Office, Western Region, Enforcement Bureau (Sep. 13, 2013) (on file in EB-FIELDWR-12-00004903) (*NAL Response*). As stated in the *NAL*, an agent from the Denver Office performed a follow-up inspection and confirmed that the operation of the STL station had ceased. *NAL*, 28 FCC Rcd at 10748, para. 3.

⁴ 47 U.S.C. § 503(b).

⁵ 47 C.F.R. § 1.80.

⁶ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recons. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

examining Ms. Mason's *NAL Response*, Section 503(b)(2)(E) of the Act requires that the Commission take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁷

5. As Ms. Mason does not deny any of the facts stated in the *NAL*, we affirm the *NAL*'s findings and conclude that Ms. Mason willfully and repeatedly violated Section 301 of the Act by operating an STL station without an FCC authorization.⁸

6. Although Ms. Mason does not deny the violations, she requests cancellation of the \$10,000 proposed forfeiture, asserting that she is unable to pay the penalty.⁹ She supports her inability to pay argument with financial documentation, including three years of tax returns.¹⁰ With regard to an individual or entity's inability to pay claim, the Commission has determined that, in general, gross income or revenues are the best indicator of an ability to pay a forfeiture.¹¹ We have reviewed the documents provide by Ms. Mason, and we find sufficient basis to downwardly adjust the proposed forfeiture to impose no penalty due to her demonstrated inability to pay. We also have reviewed our records and determined that Ms. Mason has a history of compliance with the Commission's rules.

7. Nevertheless, we find that it is appropriate to admonish Ms. Mason for willful and repeated violation of Section 301 of the Act. We also warn Ms. Mason that any future violations of the Commission's rules may result in substantial monetary penalties, regardless of her financial condition.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act and Sections 0.111, 0.204, 0.311, 0.314, and 1.80(f)(4) of the Rules, the proposed forfeiture in the amount of ten thousand dollars (\$10,000) issued to Jeannine M. Mason **WILL NOT BE IMPOSED**, and the finding of willful and repeated violations of Section 301 of the Act against Jeannine M. Mason **IS AFFIRMED**.¹²

9. **IT IS FURTHER ORDERED** that Jeannine M. Mason **IS ADMONISHED** for willful and repeated violation of Section 301 of the Act.¹³

10. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by both First Class and Certified Mail, Return Receipt Requested, to Jeannine M. Mason at her address of record, and to her counsel, Steven T. Potts, PLLC, 625 Central Avenue West, Suite 200, Great Falls, MT 59404-2874.

FEDERAL COMMUNICATIONS COMMISSION

Rebecca L. Dorch
Regional Director, Western Region
Enforcement Bureau

⁷ 47 U.S.C. § 503(b)(2)(E).

⁸ See *NAL*, *supra* note 2.

⁹ See *NAL Response* at 1–2.

¹⁰ See *id.* at 1–2, Attachments 1–3.

¹¹ See, e.g., *Local Long Distance, Inc.*, Order of Forfeiture, 15 FCC Rcd 24385 (2000) (forfeiture not deemed excessive where it represented approximately 7.9 percent of the violator's gross revenues).

¹² 47 U.S.C. §§ 301, 503(b); 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4).

¹³ 47 U.S.C. § 301.